

HOUSE BILL No. 1964

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-4-10.5; IC 22-4-24.5-1.

Synopsis: Skills 2016 training program. Permits an employer to opt out of the skills 2016 training program, including payment of the program's assessments. Provides for a partial refund for assessments already paid. Provides that an employer that opts out of the program is not eligible to receive a program grant.

Effective: Upon passage.

Thompson

January 23, 2003, read first time and referred to Committee on Labor and Employment.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1964

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-4-10.5-3, AS ADDED BY P.L.290-2001,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 3. The skills 2016 training assessment is nine
4 hundredths percent (0.09%) to be assessed upon the previous year's
5 taxable wages (as defined in IC 22-4-4-2) paid by all employers except
6 those who have:

7 **(1) made the election described in section 3.2 of this chapter;**

8 **or**

9 **(2) elected to make payments in lieu of contributions (as defined**
10 **in IC 22-4-2-32).**

11 SECTION 2. IC 22-4-10.5-3.2 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: **Sec. 3.2. (a) An employer subject**
14 **to this chapter may file an election not to:**

15 **(1) participate in the skills 2016 training program; and**

16 **(2) pay the skills 2016 training assessments;**

17 **with the department on a form prescribed by the commissioner.**



1 **(b) For calendar year 2003, an employer shall make the election**
 2 **described in subsection (a) before July 1, 2003.**

3 **(c) For calendar year 2004, an employer shall make the election**
 4 **described in subsection (a) before January 1, 2004.**

5 **(d) The department shall treat an employer that makes the**
 6 **election described in subsection (a) for calendar year 2003 as if the**
 7 **employer had made the same election for calendar year 2004**
 8 **without the employer being required to take any further action.**

9 **(e) An employer who makes the election described in subsection**
 10 **(a) for calendar year 2003 is entitled to receive a refund of fifty**
 11 **percent (50%) of the skills 2016 training assessment the employer**
 12 **pays for calendar year 2003.**

13 SECTION 3. IC 22-4-10.5-4, AS ADDED BY P.L.290-2001,
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: Sec. 4. (a) **This section does not apply to an**
 16 **employer who has made the election described in section 3.2 of this**
 17 **chapter.**

18 **(b) Skills 2016 training assessments accrue and are payable by each**
 19 **employer under section 3 of this chapter for each calendar year in**
 20 **which the employer is subject to IC 22-4-10-1 with respect to wages for**
 21 **employment.**

22 ~~(b)~~ **(c) Skills 2016 training assessments are due and payable to the**
 23 **department by each employer for the purposes set forth in section 2 of**
 24 **this chapter and are not deductible, in whole or in part, from the wages**
 25 **of individuals in the service of the employer.**

26 ~~(c)~~ **(d) Skills 2016 training assessments paid under this chapter:**

- 27 (1) shall not be credited to the employer's experience account; and
 28 (2) do not affect the computation of an employer's contribution
 29 rate under IC 22-4-11-2.

30 SECTION 4. IC 22-4-24.5-1, AS AMENDED BY P.L.1-2002,
 31 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 1. (a) The skills 2016 training fund is
 33 established to do the following:

- 34 (1) Administer the costs of the skills 2016 training program
 35 established by IC 22-4-10.5.
 36 (2) Undertake any program or activity that furthers the purposes
 37 of IC 22-4-10.5.
 38 (3) Refund skills 2016 training assessments erroneously collected
 39 and deposited in the fund.

40 (b) Subject to subsection (j), fifty-five percent (55%) of the money
 41 in the fund shall be allocated to the state educational institution
 42 established under IC 20-12-61. The money so allocated to that state

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educational institution shall be used as follows:

(1) An amount to be determined annually shall be allocated to the state educational institution established under IC 20-12-61 for its costs in administering the training programs described in subsection (b). However, the amount so allocated may not exceed fifteen percent (15%) of the total amount of money allocated under this subsection.

(2) After the allocation made under subdivision (1), forty percent (40%) shall be used to provide training to participants in joint labor and management building trades apprenticeship programs approved by the United States Department of Labor's Bureau of Apprenticeship Training.

(3) After the allocation made under subdivision (1), forty percent (40%) shall be used to provide training to participants in joint labor and management industrial apprenticeship programs approved by the United States Department of Labor's Bureau of Apprenticeship Training.

(4) After the allocation made under subdivision (1), twenty percent (20%) shall be used to provide training to industrial employees not covered by subdivision (2).

(c) Subject to subsection (j), the remainder of the money in the fund shall be allocated as follows:

(1) An amount not to exceed one million dollars (\$1,000,000) shall be allocated to the department of workforce development annually for technology needs of the department.

(2) An amount not to exceed four hundred fifty thousand dollars (\$450,000) shall be allocated annually for training and counseling assistance under IC 22-4-14-2 provided by state educational institutions (as defined in IC 20-12-0.5-1) or counseling provided by the department of workforce development for individuals who:

(A) have been unemployed for at least four (4) weeks;

(B) are not otherwise eligible for training and counseling assistance under any other program; and

(C) are not participating in programs that duplicate those programs described in IC 22-4-25-1(e).

Training or counseling provided under IC 22-4-14-2 does not excuse the claimant from complying with the requirements of IC 22-4-14-3. Eligibility for training and counseling assistance under this subdivision shall not be determined until after the fourth week of eligibility for unemployment training compensation benefits.

(3) An amount to be determined annually shall be set aside for the

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1 payment of refunds from the fund.

2 (4) The remainder of the money in the fund after the allocations
3 provided for in subsection (b) and subdivisions (1) through (3)
4 shall be allocated to other incumbent worker training programs.

5 (d) The fund shall be administered by the board. However, all
6 disbursements from the fund must be recommended by the incumbent
7 workers training board and approved by the board as required by
8 IC 22-4-18.3-6.

9 (e) The treasurer of state shall invest the money in the fund not
10 currently needed to meet the obligations of the fund in the same
11 manner as other public money may be invested. Interest that accrues
12 from these investments shall be deposited in the fund.

13 (f) Money in the fund at the end of a state fiscal year does not revert
14 to the state general fund.

15 (g) The fund consists of the following:

16 (1) Assessments deposited in the fund.

17 (2) Earnings acquired through the use of money belonging to the
18 fund.

19 (3) Money received from the fund from any other source.

20 (4) Interest earned from money in the fund.

21 (5) Interest and penalties collected.

22 (h) All money deposited or paid into the fund is appropriated
23 annually for disbursements authorized by this section.

24 (i) Any balance in the fund does not lapse but is available
25 continuously to the department for expenditures consistent with this
26 chapter.

27 (j) If the fund ratio (as described in IC 22-4-11-3) is less than or
28 equal to 1.5 or if the board determines that the solvency of the
29 unemployment insurance benefit fund established by IC 22-4-26-1 is
30 threatened, the funds assessed for or deposited in the skills 2016
31 training fund shall be directed or transferred to the unemployment
32 insurance benefit fund.

33 **(k) An employer who makes the election described in**
34 **IC 22-4-10.5-3.2 is not eligible to receive an allocation from the**
35 **fund.**

36 SECTION 5. **An emergency is declared for this act.**

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